

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

GEORGE SCANLAN,

Petitioner,

V.

PATRICK GLEBE,

## Respondent.

CASE NO. C13-5631 BHS

ORDER GRANTING  
PETITIONER'S MOTION AND  
EXTENDING DEADLINE TO  
FILE NOTICE OF APPEAL

This matter comes before the Court on Petitioner George Scanlan’s (“Scanlan”) motion for clarification regarding his notice of appeal (Dkt. 18).

16 On November 12, 2013, the Honorable J. Richard Creatura, United States  
17 Magistrate Judge, issued a Report and Recommendation (“R&R”) recommending that the  
18 Court dismiss Scanlan’s petition as time barred. Dkt. 12. On November 26, 2013,  
19 Scanlan filed objections. Dkt. 14. On December 24, 2012, the Court adopted the R&R  
20 and dismissed Scanlan’s petition. Dkt. 16. On January 23, 2013, Scanlan filed the  
21 instant motion requesting, among other things, clarification why the Court did not accept  
22 his notice of appeal that he filed with his objections to the R&R. Dkt. 18.

Upon review of Scanlan’s objections, Scanlan did not file a proper notice of appeal. Instead, he requested that the Court accept his objections as a notice of appeal if the Court dismissed his petition. *See* Dkt. 14 at 5. This is an improper notice of appeal, and the deadline for filing a proper notice of appeal has passed. The Court, however, may grant a one-time extension of fourteen (14) days from the date of this order for petitioner to file a proper notice of appeal. Fed. R. App. P. 4(a)(5). The Court will consider Scanlan’s motion as a motion for an extension of time that was timely filed. Therefore, the Court **GRANTS** Scanlan’s motion and extends the period of time for Scanlan to file a notice of appeal for fourteen (14) days after the date of this order.

## IT IS SO ORDERED.

Dated this 25th day of February, 2014.

  
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**BENJAMIN H. SETTLE**  
United States District Judge